

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WACHOVIA SECURITIES, LLC, and
FIRST CLEARING, LLC,

Plaintiffs,

vs.

Case No. 06-CV-12715
HON. GEORGE CARAM STEEH

UNITED STATES OF AMERICA,
JASON H. CYRULNIK, and
JEFFREY I. FRIED,

Defendants.

ORDER DENYING GOVERNMENT'S MOTION TO DISMISS FOR LACK
OF SUBJECT MATTER JURISDICTION (#13); GRANTING PLAINTIFFS' MOTION
FOR DEFAULT JUDGMENT AS AGAINST JASON CYRULNIK (#18); DENYING
DEFENDANT CYRULNIK'S MOTION FOR REHEARING AND TO SET ASIDE
DEFAULT (#22) AND MOTION FOR DEFAULT JUDGMENT HEARING (#21); AND
DENYING PLAINTIFFS' MOTION FOR INJUNCTIVE RELIEF AS WITHDRAWN (#2)

For the reasons placed on the record at a January 24, 2007 hearing, the Government's motion to dismiss for lack of subject matter jurisdiction pursuant to Bell & Beckwith v. United States, 766 F.2d 910 (6th Cir. 1985) is hereby DENIED. Plaintiffs Wachovia Securities, LLC's and First Clearing, LLC's motion for entry of default judgment as against defendant Jason Cyrulnik is hereby GRANTED in the absence of a meritorious defense to plaintiffs' interpleader claims. See Thompson v. American Home Ins. Co., 95 F.3d 429, 432-33 (6th Cir. 1996). Cyrulnik's default judgment has entered under separate order. Cyrulnik's motion for rehearing and to set aside default judgment is hereby DENIED. Id. Cyrulnik's motion for default judgment hearing is hereby DENIED as MOOT. Plaintiffs'

motion for injunctive relief is hereby DENIED without prejudice as WITHDRAWN on the record.

SO ORDERED.

Dated: January 25, 2007

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
January 25, 2007, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk